

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

BAD RIVER BAND OF THE LAKE  
SUPERIOR TRIBE OF CHIPPEWA  
INDIANS OF THE BAD RIVER  
RESERVATION,

Plaintiff,

v.

ENBRIDGE ENERGY COMPANY,  
INC., and ENBRIDGE ENERGY, L.P.,

Defendants.

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ENBRIDGE ENERGY, L.P.,

Counter-Plaintiff,

v.

BAD RIVER BAND OF THE LAKE  
SUPERIOR TRIBE OF CHIPPEWA  
INDIANS OF THE BAD RIVER  
RESERVATION and NAOMI  
TILLISON, in her official capacity,

Counter-Defendants.

Case No. 3:19-cv-00602

Judge William M. Conley  
Magistrate Judge Stephen  
Crocker

**MOTION TO QUASH SUBPOENA**

The Red Cliff Band of Lake Superior Chippewa Indians (“Red Cliff”), an non-party in the above action, moves to quash the subpoena issued by Enbridge Energy Company, Inc. and Enbridge Energy, LP dated September 10, 2020 (copy attached

to Declaration of David M. Ujke as Exhibit A, at 3-4), pursuant to Federal Rules of Civil Procedure 45 (d)(3). The grounds for this motion are:

- A. Red Cliff is a federally recognized Indian tribe and immune from suit by Enbridge without express consent of the Tribe or unless authorized by Congress, and no such consent nor authorization has been given; and
- B. The subpoena is overbroad and unduly burdensome.

In support of this Motion to Quash, Red Cliff respectfully submits the submits the following:

- (1) Red Cliff's Brief in Support of Motion to Quash Subpoena; and
- (2) Declaration of David M. Ujke, with exhibits.

This Motion is based on the concurrently filed Brief, all pleadings, records, and files in the above-captioned case, and on such argument as may be presented by counsel at any hearing on this Motion.

Red Cliff requests that the Court quash Enbridge's subpoena, and grant such further and other relief as this Court deems proper.

Dated: September 24, 2020

Respectfully Submitted,

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